

THE HON'BLE Dr. JUSTICE G. YETHIRAJULU

WRIT PETITION No.2289 of 2002

Dated: 27.11.2007

Between

V. Chinna Reddy

...Petitioner

And

Govt. of A.P. rep. by its Principal Secretary,
Transport Department, Secretariat,
Hyderabad and others.

...Respondents

THE HON'BLE Dr. JUSTICE G. YETHIRAJULU

WRIT PETITION No.2289 of 2002

ORDER:

This writ petition is filed by the petitioner to declare the proceedings, dated 30.01.2002, issued by the third respondent, as illegal, arbitrary and against the principles of natural justice, and consequently to stay the operation of the proceedings and to pass further orders.

On 06.02.2002, this Court, while admitting the writ petition, granted interim stay as prayed for.

The Regional Transport Authority, Nellore passed an order on 29.01.2002 transferring the ownership of the vehicle and the permit relating to heavy goods carriage bearing Registration No.AP 26 U 3299 from the fourth respondent to the petitioner. Subsequently, the Regional Transport Authority came to know that an order was already passed by the I Additional Junior Civil Judge, Nellore in O.S.No.32 of 2002 restraining the Transport Authorities from transferring the said vehicle and there was also a direction to withhold the Registration Certificate of the said vehicle. In view of the order of the Civil Court, the transfer of the ownership and permit of the vehicle was cancelled and the entries were also made in the office records, and the petitioner was also directed to immediately handover the Registration Certificate and permit in respect of the said vehicle in the office of the Regional Transport Authority and to make necessary cancellation endorsements on those certificates. Being aggrieved by the same, the petitioner approached this Court seeking to set aside the order passed by the Regional Transport Authority.

The only contention of the petitioner is that the vehicle was

under Hire Purchase Scheme and he is the owner of the vehicle for all practical purposes. It is further contended that the petitioner is financier having absolute right to take possession of the vehicle in case of default. Therefore, he requested the Court to allow the writ petition by setting aside the order passed by the Road Transport Authority.

Whether the heavy goods vehicle was under Hire Purchase Scheme and whether the petitioner financed the fourth respondent for purchase of the vehicle, are the questions to be considered by the appropriate authority. When there was a direction by the Civil Court restraining the Transport Authority from transferring the ownership in the Registration Certificate and permit by making necessary endorsement, the Transport Authority is not expected to pass such order having realized that there was civil Court order. However, the Transport Authority immediately took steps for cancellation of the order transferring ownership and permit of the goods vehicle in favour of the petitioner.

After going through the record, I do not find any illegality in the order passed by the Regional Transport Authority so long as the Civil Court order is in force.

The writ petition is devoid of merits and the same is accordingly dismissed. However, the Regional Transport Authority has right to pass a fresh order depending upon the outcome of the suit covered by O.S.No.32 of 2002 pending before the I Additional Junior Civil Judge, Nellore. No costs.

Dr. G. Yethirajulu, J

Date: 27.11.2007

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